

**Assembly Bill No. 2774**

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Passed the Assembly    August 18, 1998

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*Chief Clerk of the Assembly*

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Passed the Senate    August 13, 1998

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1998, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to amend Sections 1502, 1559.110, and 1559.115 of, and to repeal Sections 1559.120, 1559.125, and 1559.130 of, the Health and Safety Code, and to amend Sections 11400, 11460.1, 16522, and 16522.1 of, and to repeal Section 16522.4 of, the Welfare and Institutions Code, relating to community care facilities.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2774, Committee on Human Services. Community care facilities: transitional housing placement programs.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities by the State Department of Social Services.

Existing law requires the department to license community care facilities participating in transitional housing placement programs in 3 counties to provide supervised apartment living services for certain 17 and 18 year old persons who are in out-of-home placement under the supervision of the county department of social services or the county probation department and who are participating in an independent living program.

This bill would extend the department's implementation of transitional housing placement programs for community care facilities to every county. The bill would require the department to adopt regulations to govern transitional housing placement facilities, require a transitional housing placement program to be certified by the county department of social services or county probation department, and define "transitional housing placement facility" for purposes of the California Community Care Facilities Act.

Existing law also requires the department to implement programs for licensed private, nonprofit, or county operated facilities to provide transitional housing



placement program services to certain 17 and 18 year old persons who are in out-of-home placement under the supervision of the county department of social services or the county probation department.

This bill would revise these provisions to, instead, require the department to adopt regulations to govern county transitional housing placement programs that provide transitional housing services, in any county, to certain 17 and 18 year old persons who are in out-of-home placement under the supervision of the county department of social services or the county probation department. The bill would require a transitional housing placement program to be certified by the county department of social services or county probation department.

The bill would define “transitional housing placement program” for purposes of provisions governing AFDC-FC.

Existing law requires the department to develop a ratesetting system for licensed community care facilities participating in these programs. These provisions are repealed as of January 1, 2000.

This bill would delete the repeal of these provisions, thereby extending the operation of these provisions indefinitely.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1502 of the Health and Safety Code is amended to read:

1502. As used in this chapter:

(a) “Community care facility” means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:



(1) “Residential facility” means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(2) “Adult day care facility” means any facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

(3) “Therapeutic day services facility” means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

(4) “Foster family agency” means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(5) “Foster family home” means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.



(6) “Small family home” means any residential facility, in the licensee’s family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

(7) “Social rehabilitation facility” means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

(8) “Community treatment facility” means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.

Nothing in this section shall be construed to prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.

(9) “Full-service adoption agency” means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.

(B) Assesses the birth parents, prospective adoptive parents, or child.

(C) Places children for adoption.

(D) Supervises adoptive placements.

Private full-service adoption agencies shall be organized and operated on a nonprofit basis.

(10) “Noncustodial adoption agency” means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assesses the prospective adoptive parents.

(B) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.

(C) Cooperatively supervises adoptive placements with a full-service adoptive agency, but does not disrupt a placement or remove a child from a placement.

Private noncustodial adoption agencies shall be organized and operated on a nonprofit basis.

(11) “Transitional shelter care facility” means any group care facility that provides for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Program components shall be subject to program standards developed by the State Department of Social Services pursuant to Section 1502.3.

(12) “Transitional housing placement facility” means a community care facility licensed by the department pursuant to Section 1559.110 to provide transitional housing opportunities to persons at least 17 years of age, and not more than 18 years of age unless the requirements of Section 11403 of the Welfare and Institutions Code are met, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.



(b) “Department” or “state department” means the State Department of Social Services.

(c) “Director” means the Director of Social Services.

SEC. 2. Section 1559.110 of the Health and Safety Code is amended to read:

1559.110. (a) The State Department of Social Services shall license community care facilities participating in transitional housing placement programs, as designated in Section 16522 of the Welfare and Institutions Code.

(b) Transitional housing placement programs shall provide supervised apartment living services to persons at least 17 years old, and not more than 18 years old unless the requirements of Section 11403 of the Welfare and Institutions Code are met, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(c) Transitional housing placement program services shall include any of the following:

(1) Programs in which one or more participants in the program live in an apartment with an adult employee of the licensee.

(2) Programs in which a participant lives independently in an apartment rented or leased by the licensee located in a building in which one or more adult employees of the licensee reside and provide supervision.

(3) Programs in which a participant lives independently in an apartment rented or leased by a licensee under the supervision of the licensee if the State Department of Social Services provides approval.

(d) The department shall adopt regulations to govern transitional housing placement facilities licensed pursuant to this section.

SEC. 3. Section 1559.115 of the Health and Safety Code is amended to read:

1559.115. No applicant shall be issued a license pursuant to this article unless the county department of social services or the county probation department, in the

county where the license will be issued, has certified the program as described in Section 16522.1 of the Welfare and Institutions Code.

SEC. 4. Section 1559.120 of the Health and Safety Code is repealed.

SEC. 5. Section 1559.125 of the Health and Safety Code is repealed.

SEC. 6. Section 1559.130 of the Health and Safety Code is repealed.

SEC. 7. Section 11400 of the Welfare and Institutions Code is amended to read:

11400. For the purposes of this article, the following definitions shall apply:

(a) “Aid to Families with Dependent Children-Foster Care (AFDC-FC)” means the aid provided on behalf of needy children in foster care under the terms of this division.

(b) “Case plan” means a written document which at a minimum specifies the type of home in which the child shall be placed, the appropriateness of the home for meeting the child’s needs, the agency’s plan for ensuring that the child, family, and foster parents receive services, and the appropriateness of the services provided to the child, in order to meet the child’s needs while in foster care, and to reunify the child with his or her family, or, when reunification is not possible, to facilitate an alternate permanent plan.

(c) “Certified family home” means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.

(d) “Family home” means the family residency of a licensee in which 24-hour care and supervision are provided for children.

(e) “Small family home” means any residential facility, in the licensee’s family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities





and who require special care and supervision as a result of their disabilities.

(f) “Foster care” means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting.

(g) “Foster family agency” means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(h) “Group home” means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code.

(i) “Periodic review” means review of a child’s status by the juvenile court or by an administrative review panel, which shall include a determination of the continuing need for placement in foster care, evaluation of the goals for the placement and the progress toward meeting these goals, and development of a target date for the child’s return home or establishment of alternative permanent placement.

(j) “Permanency planning hearing” means a hearing conducted by the juvenile court in which the child’s future status, including whether the child shall be returned home or another permanent plan shall be developed, is determined.

(k) “Placement and care” refers to the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency or organization having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility, pursuant to a relinquishment or termination of parental rights on a child, (3) taken the responsibility of



supervising a child detained by the juvenile court pursuant to Section 319 or 636, or (4) signed a voluntary placement agreement for the child's placement; or to the responsibility designated to an individual by virtue of his or her being appointed the child's legal guardian.

(l) "Preplacement preventive services" means services which are designed to help children remain with their families by preventing or eliminating the need for removal.

(m) "Relative" means a person who can be a "caretaker relative" of a dependent child under Section 406 of the Social Security Act. "Relative" also includes any such person who is related to the child's half sibling.

(n) "Voluntary placement" means an out-of-home placement of a minor by (1) the county welfare department after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

(o) "Voluntary placement agreement" means a written agreement between either the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a minor which specifies, at a minimum, the following:

(1) The legal status of the child.

(2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed.

(p) "Original placement date" means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a



child due to termination of parental rights, relinquishment, or voluntary placement.

(q) “Transitional housing placement facility” means a community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 17 years old, and not more than 18 years old unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(r) Transitional housing placement program means a program that has been certified by the county department of social services or the county probation department and approved by the department to provide licensed, supervised, transitional housing opportunities to eligible youth pursuant to Section 16522.

SEC. 8. Section 11460.1 of the Welfare and Institutions Code is amended to read:

11460.1. (a) The department shall develop a ratesetting system for licensed community care facilities participating in transitional housing placement programs, as defined by Section 16522, and as described by Section 1559.110 of the Health and Safety Code. The rates shall not exceed the aggregate placement costs for these children if they had not participated in the transitional housing placement program.

(b) The department shall adopt and maintain regulations that establish a method for determining the rates for facilities specified in subdivision (a).

SEC. 9. Section 16522 of the Welfare and Institutions Code is amended to read:

16522. (a) The State Department of Social Services shall adopt regulations to govern county transitional housing placement programs that provide transitional housing services to persons at least 17 years old, and not more than 18 years old unless they satisfy the requirements of Section 11403, who are in out-of-home

placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(b) The department may structure statewide implementation of transitional housing placement programs on a phased-in basis.

(c) Transitional housing placement program services shall include any of the following:

(1) Programs in which one or more participants in the program live in an apartment with an adult employee of the licensee.

(2) Programs in which a participant lives independently in an apartment rented or leased by the licensee located in a building in which one or more adult employees of the licensee reside and provide supervision.

(3) Programs in which a participant lives independently in an apartment rented or leased by a licensee under the supervision of the licensee if the State Department of Social Services provides approval.

SEC. 10. Section 16522.1 of the Welfare and Institutions Code is amended to read:

16522.1. In order to be licensed pursuant to Section 1559.110 of the Health and Safety Code, an applicant shall obtain certification from the county department of social services or the county probation department that the facility program provides all of the following:

(a) Strict admission criteria for participants in the program, including, but not limited to, consideration of the applicant's age, previous placement history, delinquency history, history of drug or alcohol abuse, level of education, mental health history, medical problems, and work experience. The department shall review the admission criteria to ensure that the criteria are sufficient to protect participants and that they do not discriminate on the basis of race, gender, sexual orientation, or disability.

(b) Strict employment criteria that include a consideration of the employee's age, drug or alcohol



history, and experience in working with persons in this age group.

(c) A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed in long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.

(d) A detailed plan for monitoring the placement of persons under the licensee's care.

(e) A contract between the participating person and the licensee that specifically sets out the requirements for each party, and in which the licensee and the participant agree to the requirements of this article.

(f) An allowance to be provided to each participant in the program. In the case of a participant living independently, this allowance shall be sufficient for the participant to purchase food and other necessities.

(g) A system for payment for utilities, telephone, and rent.

(h) Policies regarding all of the following:

- (1) Education requirements.
- (2) Work expectations.
- (3) Savings requirements.
- (4) Personal safety.
- (5) Visitors including, but not limited to, visitation by the placement auditor pursuant to subdivision (d).
- (6) Emergencies.
- (7) Medical problems.
- (8) Disciplinary measures.
- (9) Child care.
- (10) Pregnancy.
- (11) Curfew.
- (12) Apartment cleanliness.
- (13) Use of utilities and telephone.
- (14) Budgeting.
- (15) Care of furnishings.
- (16) Decorating of apartments.
- (17) Cars.



(18) Lending or borrowing money.

(19) Unauthorized purchases.

(20) Dating.

(21) Grounds for termination that may include, but shall not be limited to, illegal activities or harboring runaways.

(i) Apartment furnishings, and a policy on disposition of the furnishings when the participant completes the program.

(j) Evaluation of the participant's progress in the program and reporting to the independent living program and to the department regarding that progress.

(k) A linkage to the federal Job Training and Partnership Act (29 U.S.C. Sec. 1501 et seq.) program administered in the local area to provide employment training to eligible participants.

SEC. 11. Section 16522.4 of the Welfare and Institutions Code is repealed.



Approved \_\_\_\_\_, 1998

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*Governor*

